

IN THE CLAIMS:

Please amend Claims 37, 55, 68 and 71-73 without prejudice:

1 - 36. (Canceled)

37. (Currently Amended) A system for intravertebral reduction, comprising:

a delivery instrument including a radially expandable element along an outside surface of a distal portion thereof;

an expandable device including a cavity, the expandable device being removably mountable to the expandable element with the expandable element in the cavity and each of the expandable device and the expandable element in an unexpanded condition, the expandable device including ~~at least one~~ a continuous external surface and ~~at least one~~ a continuous internal surface, said external surface having a first portion and a second portion movable away from one another upon expansion of the expandable element, each of the first portion and the second portion ~~portions~~ defining a first outer surface and a second outer surface, said internal surface facing said cavity, wherein no part of said external surface faces any part of said internal surface, wherein the expandable device is deliverable to an intravertebral space in the unexpanded condition and thereafter expandable with expansion of the expandable element to compress cancellous bone in the intravertebral space, wherein the expandable device has a stepped cross-section configuration such that in an expanded condition the first ~~outer surfaces of the portions~~ surface of the first portion and the second outer surface of the first portion are separated by a first height and the ~~second outer surfaces of the portions~~ first outer surface of the second portion and the second outer surface of the second portion are separated by a second height greater than the first height; and

bone filler material positioned in the cavity between the first and second portions.

38. (Original) The system of claim 37, wherein the expandable element includes a balloon structure with an interior for receiving an expansion fluid.

39. (Original) The system of claim 38, wherein the expansion fluid is selectable from the group consisting of: saline solution, compressed air, and radio-contrast fluid.

40. (Original) The system of claim 38, wherein the delivery instrument includes a shaft defining a lumen in fluid communication with the interior of the expandable element.

41. (Cancelled)

42. (Previously Presented) The system of claim 37, wherein the first and second portions each define an outer surface with bone engagement members therealong.

43. (Previously Presented) The system of claim 37, wherein the first and second portions are uni-directionally movable away from one another upon expansion of the expandable element.

44. (Cancelled)

45. (Cancelled)

46. (Cancelled)

47. (Previously Presented) The system of claim 37, wherein the first and second portions include bone growth openings therethrough.

48. (Previously Presented) The system of claim 37, wherein the first and second portions are substantially rigid and the expandable element is non-rigid.

49. (Previously Presented) The system of claim 37, wherein the first and second portions are structured to maintain an expanded configuration after removal of the expandable element from the cavity therebetween.

50. (Cancelled)

51. (Previously Presented) The system of claim 37, wherein the bone filler material includes bone growth promoting material.

52. (Original) The system of claim 37, wherein the cavity opens at a distal and at a proximal end of the expandable device.

53 - 54. (Cancelled)

55. (Currently Amended) A system for intravertebral reduction, comprising:

a delivery instrument including a non-rigid radially expandable element along an outside surface of a distal portion thereof,

an expandable device including a cavity between substantially rigid first and second portions, the expandable device being structured for positioning in an intravertebral space, wherein the expandable element is expandable in the cavity to move the first and second portions away from one another and compress cancellous bone in the intravertebral space, each of the portions first portion and the second portion defining an anterior outer surface and a posterior outer surface,

wherein the expandable device has a stepped cross-section configuration such that in an expanded condition the anterior outer ~~surfaces~~ surface of the first portion and the anterior outer surface of the second portion are separated by a first height and the posterior outer ~~surfaces~~ surface of the first portion and the posterior outer surface of the second portion are separated by a second height greater than the first height; and

bone filler material positioned in said expandable element in the cavity between the first and second portions.

56. (Original) The system of claim 55, wherein the first and second portions each define an outer surface with bone engagement members therealong.

57. (Original) The system of claim 55, wherein the first and second portions remain movably engaged with one another during expansion of the expandable element.

58. (Cancelled)

59. (Cancelled)

60. (Cancelled)

61. (Original) The system of claim 55, wherein the first and second portions include bone growth openings therethrough.

62. (Original) The system of claim 55, wherein the first and second portions are structured to maintain an expanded configuration after removal of the expandable element from the cavity therebetween.

63. (Cancelled)

64. (Original) The system of claim 55, wherein the expandable device is radially expandable.

65. (Original) The system of claim 55, wherein the expandable device includes a width between opposite sides thereof, the width remaining substantially constant in the unexpanded and expanded conditions.

66-67. (Cancelled)

68. (Currently Amended) A system for intravertebral reduction, comprising:
a delivery instrument including a radially expandable element along an outside surface of a distal portion thereof;

an expandable device including a cavity, the expandable device being removably mountable to the expandable element with the expandable element in the cavity and each of the expandable device and the expandable element in an unexpanded condition, the expandable device including ~~at least one~~ a continuous first surface facing generally toward said cavity, and ~~at least one~~ a continuous second surface facing generally away from said cavity, said first surface having a first portion and a second portion movable away from one another upon expansion of the expandable element, each of the portions defining a first outer surface and a second outer surface, wherein said second surface does not move ~~alone~~ along any part of said first surface, and wherein the expandable device is deliverable to an intravertebral space in the unexpanded condition and thereafter expandable with expansion of the expandable element to compress cancellous bone in the intravertebral space,

wherein the expandable device has a stepped cross section configuration such that in an expanded condition the first outer ~~surfaces~~ surface of the first portion and the first outer surface of the second portion are separated by a first height and the second

outer surfaces surface of the first portion and the second outer surface of the second portion are separated by a second height greater than the first height,

the first portion and the second portion being selectively ~~and-independently~~ movable relative to the other; and

filler material positioned in the cavity between the first and second portions.

69. (Previously Presented) The system of claim 37, wherein said filler material is bone growth material injected into said expandable element

70. (Previously Presented) The system of claim 69, wherein said bone growth material causes said expansion of the expandable element and expansion of said expandable device.

71. (Currently Amended) The system of claim 55, wherein said expandable device includes ~~at least one~~ a continuous external surface and ~~at least one~~ a continuous internal surface, said internal surface facing said cavity, wherein no part of said external surface faces any part of said internal surface.

72. (Currently Amended) The system of claim 37, wherein the first portion and the second portion are selectively ~~and-independently~~ movable relative to the other.

73. (Currently Amended) The system of claim 55, wherein the first portion and the second portion are selectively ~~and-independently~~ movable relative to the other.